

UNITED STATES PATENT AND TRADEMARK OFFICE



| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|----------------------------------|-----------------|----------------------|-------------------------|------------------|
| 09/734,787 | 12/13/2000 | Mark A. Ritchart | END-712 | 6087 |
| 7 | 590 05/15/2002 | | | |
| Audley A. Ciamporcero, Jr., Esq. | | | EXAMINER | |
| | Z Johnson Plaza | | HINDENBU | BURG, MAX F |
| New Brunswick, NJ 08933-7003 | | | ART UNIT | PAPER NUMBER |
| | | | 3736 | |
| | | | DATE MAILED: 05/15/2002 | |

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No. 09/734,787

Applicant(s)

Richart et al.

Examiner

Max Hindenburg

Art Unit 3736

| Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIREfMONTH(S) FROM THE MALING DATE OF THIS COMMUNICATION. Extensions of time may be available under the provision of 37 CFR 1.138 (al. In no event, however, may a reply be timely filled after SIX (8) MONTHS from the manifor date of this communication. If the period for newly specified discrete has term the first (20) days a will be considered timely. If the period for newly specified discrete has the maximum structure, period will eaply and will exply and will exply and will exply and will exply and will be considered timely. If the period for newly specified discrete has the maximum structure, period will exply and will be considered timely. If the period for newly specified discrete has the maximum structure, period will exply and will be considered timely. If a period for newly replication is explicitly and a period of the communication and explication and the provides and an explication and explication and the provides and explication and explication. If a provided period is a specific to be the Examiner. Application Papers If the proposed drawing correction filled on | | The MAILING DATE of this communication appears of | n the cover sheet with the correspondence address |
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| THE MAILING DATE OF THIS COMMUNICATION. Extractions of time may be available under the provides of 37 CFR 1.136 (a). In no event, however, may a roply be timely filed after SIX (6) MONTHS from the malling date of this communication. It has period for reply is specified above, the maximum statutory period will apply and will explice SIX (6) MONTHS from the malling date of the control of the period for reply is specified above, the maximum statutory period will apply and will explice SIX (6) MONTHS from the malling date of the communication. It NO period for reply is specified above, the maximum statutory period will apply and will explice SIX (6) MONTHS from the malling date of the communication, which is east or extended period for reply will, by statutor, cause the application to become ABANDONEO (30 V.S. C. 1 133). Any reply received by the Office later than those merits after the malling date of this communication, even if timely filed, may reduce any search part of the malling date of this communication, even if timely filed, may reduce any search part of the malling date of this communication. Status 1) N Responsive to communication(s) filed on | | | |
| If NO period for reply is specified above, the meximum statutory period will apply and will expire SIX (8) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED ISC. 5: 133]. - Any reply received by the Office later than three menths after the mailing date of this communication, even if timely filed, may reduce any seared potent true alighstment. See 37 CFR 1.704(b). Status 1) ▼ Responsive to communication(s) filled on Jan 28 and March 7, 2002 2a) □ This action is FINAL. 2b) ▼ This action is non-final. 3) □ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213. Disposition of Claims 4) ▼ Claim(s) 11-34 | THE N | MAILING DATE OF THIS COMMUNICATION. ions of time may be available under the provisions of 37 CFR 1.136 (a). In red to determine the provisions of 37 CFR 1.136 (b). In red to determine the provisions of 37 CFR 1.136 (b). | o event, however, may a reply be timely filed after SIX (6) MONTHS from the |
| 1) | - If NO p - Failure - Any re | period for reply is specified above, the maximum statutory period will apply and to reply within the set or extended period for reply will, by statute, cause the ply received by the Office later than three months after the mailing date of the | d will expire SIX (6) MONTHS from the mailing date of this communication. application to become ABANDONED (35 U.S.C. § 133). |
| 2a] ☐ This action is FINAL. 2b] ☒ This action is non-final. 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213. Disposition of Claims 4 ☒ Claim(s) | Status | | |
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| closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11; 453 O.G. 213. Disposition of Claims 4) Claim(s) 11-34 | 2a) 🗌 | This action is FINAL . 2b) 💢 This acti | on is non-fin al. |
| 4a) Of the above, claim(s) | 3) 🗆 | | |
| accepted or by consideration is/are withdrawn from consideration. | Disposi | | |
| 5) ☐ Claim(s) | 4) 💢 | Claim(s) <u>11-34</u> | is/are pending in the application. |
| 6) ☐ Claim(s) | 4 | a) Of the above, claim(s) | is/are withdrawn from consideration. |
| 7) | 5) 🗀 | Claim(s) | is/are allowed. |
| Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). 11) The proposed drawing correction filed on is: a) approved b) disapproved by the Examiner. If approved, corrected drawings are required in reply to this Office action. 12) The oath or declaration is objected to by the Examiner. Priority under 35 U.S.C. §§ 119 and 120 13) Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some* c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No | 6) 🗆 | Claim(s) | is/are rejected. |
| Application Papers 9) ☐ The specification is objected to by the Examiner. 10) ☐ The drawing(s) filed on is/are a) ☐ accepted or b) ☐ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). 11) ☐ The proposed drawing correction filed on is: a) ☐ approved b) ☐ disapproved by the Examiner. If approved, corrected drawings are required in reply to this Office action. 12) ☐ The oath or declaration is objected to by the Examiner. Priority under 35 U.S.C. §§ 119 and 120 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) ☐ All b) ☐ Some* c) ☐ None of: 1. ☐ Certified copies of the priority documents have been received. 2. ☐ Certified copies of the priority documents have been received in Application No | 7) 🗆 | Claim(s) | is/are objected to. |
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| The drawing(s) filed on is/are a) □ accepted or b) □ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). 11) □ The proposed drawing correction filed on is: a) □ approved b) □ disapproved by the Examiner. If approved, corrected drawings are required in reply to this Office action. 12) □ The oath or declaration is objected to by the Examiner. Priority under 35 U.S.C. §§ 119 and 120 13) □ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) □ All b) □ Some* c) □ None of: 1. □ Certified copies of the priority documents have been received. 2. □ Certified copies of the priority documents have been received in Application No | Applica | ition Papers | |
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| 2. Certified copies of the priority documents have been received in Application No. | a) [|] All b)□ Some* c)□ None of: | · |
| | | 1. \square Certified copies of the priority documents have | been received. |
| One of the continue of the explorate design and the explorate design been received in this National Chara | | 2. \square Certified copies of the priority documents have | been received in Application No |
| 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). | | application from the International Burea | u (PCT Rule 17.2(a)). |
| *See the attached detailed Office action for a list of the certified copies not received. | | | · · · · · · · · · · · · · · · · · · · |
| 14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e). | • | | |
| a) The translation of the foreign language provisional application has been received. | | | |
| 15) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121. | · | | Shorty drider 33 0.3.0. 33 120 drid/or 121. |
| Attachment(s) 1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Paper No(s). | | | 4) Interview Summary (PTO-413) Paper No(s). |
| 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) Notice of Informal Patent Application (PTO-152) | | | |
| 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) | 2) N | otice of Draftsperson's Patent Drawing Review (PTO-948) | 5) Notice of Informal Patent Application (PTO-152) |

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1. This application contains claims directed to the following patentably distinct species of the claimed invention: species I drawn to figures 4-12 and species II figures 29, 30, and 31-34.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claims are generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a)

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

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Applicant is advised that the reply to this requirement to be complete must include an

election of the invention to be examined even though the requirement be traversed (37 CFR

1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the 2.

inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently

named inventors is no longer an inventor of at least one claim remaining in the application. Any

amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the

fee required under 37 CFR 1.17(I).

Any inquiry concerning this communication or earlier communications from the examiner 3.

should be directed to Mr. Hindenburg whose telephone number is (703)308-3130

MH

May 13, 2002

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